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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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11 **JONATHAN W. BOTTEN, SR., et**
12 **al.,**

13 Plaintiffs,

14 v.

15 **STATE OF CALIFORNIA, et al.,**

16 Defendants.
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No. 5:23-cv-0257- KK-SHKx

**[Proposed] ORDER DISMISSING
PLAINTIFFS' FIRST, SECOND,
THIRD, AND SIXTH CLAIMS OF
THE FIRST AMENDED
COMPLAINT AGAINST
DEFENDANT MICHAEL
BLACKWOOD**

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19 Based on the parties' stipulated request and under Federal Rule of Civil
20 Procedure 41(a)(1)(A)(ii), the Court hereby dismisses with prejudice the following
21 claims asserted against Defendant Michael Blackwood in the First Amended
22 Complaint:

- 23 1. First Claim for Fourth Amendment—Excessive Force (42 U.S.C. § 1983);
24 2. Second Claim for Substantive Due Process (42 U.S.C. § 1983);
25 3. Third Claim for Battery; and
26 4. Sixth Claim for Violation of California Civil Code § 52.1.

27 This order applies to Defendant Blackwood in this matter only.
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Each party shall bear their own costs and attorney's fees as to these claims.

IT IS SO ORDERED.

Dated: _____

Honorable Kenly Kiya Kato
United States District Judge